

Appl. No. 09/994,741
Amdt. dated 8/28/07
Reply to Office action of 5/29/07

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REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 22-32 are now in the application and are subject to examination. Claims 1-21 have been canceled. Claims 22-32 have been added.

In "Specification," item 3 on page 2 of the above-identified Office Action, the Examiner requested that the application numbers of the applications mentioned in paragraph [022] on page 6 of the Specification be inserted into that paragraph. The Examiner's suggested change has been made.

In "Claim Objections," item 4 on page 2 and in "Claim Rejections – 35 USC § 112," item 5 on page 3 of the Office Action, certain wording of the claims has been objected to and certain claims have been rejected as being indefinite. The Examiner's comments and recommendations have been taken into account in new claims 22-32.

It is accordingly believed that the claims are no longer objectionable and meet the requirements of 35 U.S.C. § 112, second paragraph.

In "Claim Rejections – 35 USC § 102," item 6 on pages 3-6 of the Office Action, claims 1-4, 6, 9 and 21 have been rejected as being fully anticipated by U.S. Patent No. 4,558,981 to Fabrig under 35 U.S.C. § 102(b).

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In "Claim Rejections – 35 USC § 103," item 7 on pages 7-8 of the Office Action, claim 5 has been rejected as being obvious over Fabrig in view of U.S. Patent No. 2,130,318 to Cruzan under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103," item 8 on pages 8-9 of the Office Action, claims 10-13 and 15-20 have been rejected as being obvious over Fabrig in view of U.S. Patent No. 5,695,308 to Hastings et al. under 35 U.S.C. § 103(a).

In "Claim Rejections – 35 USC § 103," item 9 on pages 10-11 of the Office Action, claim 14 has been rejected as being obvious over Fabrig in view of Hastings et al. and further in view of Cruzan under 35 U.S.C. § 103(a).

The rejections have been noted and previous claims 1-21 have been replaced by new claims 22-32 in an effort to even more clearly define the invention of the instant application. Support for the new claims is found in the previous claims and in the Specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 22 calls for, *inter alia*, a process for producing brochures in any formats and thicknesses by wire binding, the process comprising the following steps:

providing sheet-like printing materials having a margin and a row of perforations along the margin;
producing at least one wire binding element with random loop length and loop distance as required;

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tailoring the at least one wire binding element to a respective format and thickness of a brochure having a plurality of the sheet-like printing materials, immediately prior to a binding process; and inserting the wire binding element in the row of perforations for loosely binding the brochure.

The Fabrig reference discloses a method which renders it possible to produce large numbers of stationary articles per unit of time (see column 2, lines 24 – 26 of Fabrig). Therefore, Fabrig refers to a method of binding stacks of marginally perforated paper sheets with prefabricated C-shaped binding strips (see the abstract of Fabrig).

The prefabrication of the C-shaped binding strips is carried out in other stations which are remote from the binding system (see the abstract and Fig. 1 of Fabrig).

Consequently, Fabrig discloses a method for producing large numbers of articles.

In contrast to Fabrig, the object of the invention of the instant application is to manufacture individual, rather than mass-produced, products in an economical way. More specifically, brochures in any format and thickness can be processed according to the invention. Therefore, the wire binding element 41 of the invention is produced with a random loop length and loop distance as required by the individual product, as recited in claim 22 of the Instant application.

In order to make the differences between the invention of the instant application and Fabrig even clearer, new claims 22-32 have been presented herein, which have the same scope as claims 1-9 of issued European Patent EP 1 211 098 B 1,

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corresponding to the instant application.

Clearly, Fabrig does not show producing at least one wire binding element with random loop length and loop distance as required, as recited in claim 22 of the instant application.

The other references do not make up for the deficiencies of Fabrig.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the steps of claim 22. Claim 22 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 22.

In view of the foregoing, reconsideration and allowance of claims 22-32 are solicited.

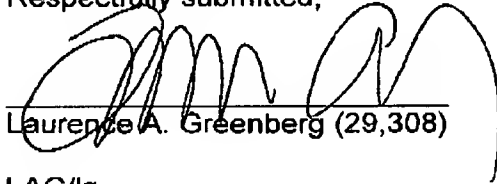
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to Deposit Account Number 12-1099 of Lerner Greenberg Sterner LLP.

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Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to Deposit Account Number 12-1099 of Lerner Greenberg Sterner LLP.

Respectfully submitted,



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LAG/lq

August 28, 2007

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